REMARKS

Claims 1-15 are pending in this application. Claims 1-15 stand rejected. By this Amendment, claims 2, 3, 5, 6, and 10 have been amended. The amendment made to the claims do not alter the scope of the claims, nor have the amendments been made to define over the prior art. Rather, the amendments to the claims have been made to correct typographical errors. In light of the amendments and remarks set forth below, Applicant respectfully requests reconsideration and withdrawal of all rejections and submits that each of the pending claims is in immediate condition for allowance.

Claims 1, 3-13, and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,516,338 ("Landsman") in view of HotScripts. Applicant respectfully requests that the Examiner withdraw this rejection and pass the pending claims to issue.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. The prior art references must also teach or suggest all the limitations of the claim in question. See, M.P.E.P. § 706.02(j). A reference can only be used for what it clearly discloses or suggests. See In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d 1071, 1073 (Fed. Cir. 1987). Here, the references, whether taken individually or in combination, do not disclose or suggest the invention claimed by the Applicant.

As recited in claim 1, Applicant claims a system in which a browser adapted to retrieve files, interpret Javascript and display web pages downloads a web page from a first internet server that includes an advertising macro tag. The macro tag includes a link to a second internet server that includes a Javascript file. The Javascript file includes a link to an advertisement server so that the Javascript file is executed and an advertisement is displayed each time the web browser accesses the web page. Thus, in the claimed system, it is easy to modify the content that will be displayed by changing the HTML instruction or Javascript on the first server.

In contrast, Landsman teaches an advertising tag that includes two components. The first component of the tag links to a JavaScript file which downloads and implements a Transition Sensor applet. The second component of the tag includes a reference to a specific ad management system, i.e. a URL (Landsman, col. 11, lines 38-57). The Transition Sensor applet among its various other functions passes the URL of the ad management system to an AdController applet. The AdController applet then requests the delivery of an advertisement originating from that ad management system. Thus, in contrast to the claimed system, Landsman teaches away from including the reference to the advertisement server in the JavaScript file referenced in the tag.

Further, one skilled in the art would generally not have been motivated to reference an advertising server by referencing a first file to a second file, with the second file referencing an ad server. This would be viewed as useless double referencing. Rather one would have been motivated to reference directly from the

first file to the ad server. Hence, the claimed system that utilizes double referencing is novel and non-obvious with regards to Landsman and the general prior art.

The Office Action admits that Landsman does not explicitly disclose the Javascript file including a link to said advertisement server. The Office Action includes the HotScripts article for the teaching that the Javascript file includes links to other servers to retrieve an advertisement banner.

However, the HotScripts article fails to cure the deficiency of a first server which includes a web page that includes an advertising macro tag where the macro tag includes a link to a second internet server. As such, the combination of Landsman and HotScripts fails to disclose Applicant's invention as explicitly recited claims.

Independent claims 4, 5, 6, and 10 all include a macro tag. As discussed above with reference to claim 1, Landsman does not disclose Applicant's explicitly recited macro tag which allows the browser to initiate the advertisement download from the advertisement server. The inclusion of additional references to show additional features not disclosed by Landsman fails to cure the deficiency in Landsman discussed above. As such, all of the independent claims and each of their dependent claims are allowable over the cited references.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: October 23, 2003

Respectfully submitted,

By_____
Ian R. Blum
Registration No.: 42,336
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
1177 Avenue of the Americas - 41st Floor
New York, New York 10036-2714
(212) 835-1400
Attorney for Applicant

IRB/mgs

Express Mail Certificate

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee (mail label #EV059558505 US) in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231 on October 23, 2003:

Ian R. Blum
Name of Person Mailing Correspondence

Signature

10/23/2003
Date of Signature